

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LEXINGTON INSURANCE COMPANY,	)	
NATIONAL UNION FIRE INSURANCE	)	
COMPANY OF PITTSBURGH,	)	
PENNSYLVANIA, GREAT LAKES	)	
REINSURANCE (UK) PLC, ACE AMERICAN	)	
INSURANCE COMPANY, XL INSURANCE	)	
AMERICA, INC., IRONSHORE SPECIALTY	)	
INSURANCE COMPANY, TALBOT	)	
SYNDICATE 1183, TORUS SPECIALTY	)	Civil No. 3:13-1054
INSURANCE COMPANY, NAVIGATORS	)	Judge Trauger
SYNDICATE 1221, f/k/a Millenium Syndicate	)	
1221, PEMBROKE SYNDICATE 4000,	)	
SJC 2003/CATLIN, BRIT INSURANCE,	)	
SYNDICATE 2987, CHAUCER MARINE,	)	
SYNDICATE 1084, BERKSHIRE HATHAWAY	)	
INTERNATIONAL INSURANCE, ARCH	)	
INSURANCE COMPANY, and LANDMARK	)	
AMERICAN INSURANCE COMPANY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
LION OIL COMPANY,	)	
	)	
Defendant.	)	

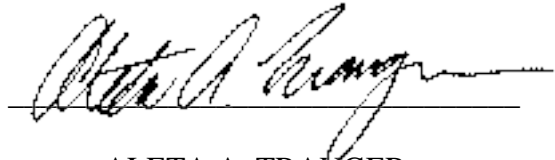
**ORDER**

The plaintiffs have filed a First Amended Complaint For Declaratory Relief (Docket No. 16) that makes moot the Motion to Dismiss filed by defendant Lion Oil Company and former defendant Delek U.S. Holdings, Inc. The First Amended Complaint drops as a defendant Delek U.S. Holdings, Inc., the party that destroyed diversity jurisdiction. The plaintiffs are entitled to drop a defendant in order to cure the diversity jurisdiction defect, which they have done. *See Grupo Dataflux v. Atlas Global Group, LP*, 541 U.S. 567 (2004).

For the reasons expressed herein, the Motion to Dismiss For Lack of Subject Matter Jurisdiction (Docket No. 11) is **DENIED**.

It is so **ORDERED**.

ENTER this 17<sup>th</sup> day of October 2013.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER

U.S. District Judge